

OGC Has Reviewed

1 February 1952

To: DD/A
From: General Counsel
Subject: Medal of Freedom

1. **PROBLEM.**--The Bureau of the Budget has forwarded for CIA comment the proposed revision of Executive Order #9586 establishing the Medal of Freedom. (Tab A, attached). The revision has been prepared, at least in part, at the request of the Director of Central Intelligence, so that appropriate CIA personnel may be awarded the Medal.
2. **FACTS.**--The original Executive Order was promulgated on 6 July 1945, establishing the Medal of Freedom to be awarded for a meritorious act or service which has aided the United States in the prosecution of a war or to any person who has similarly aided any nation engaged with the United States in the prosecution of a war against a common enemy. The Order further specifies that the Medal should not be awarded to a citizen of the United States for any act or service performed within the continental limits of the United States, nor shall it be awarded to a member of the armed forces.

The proposed revision of Executive Order #9586 extends the period of award to include "any period of emergency declared by the President or the Congress to exist." The proposed revision also maintains the geographical limitation and the prohibition against award to a member of the armed services. The revised Executive Order provides that the Medal of Freedom may be awarded by the Secretaries of State, Defense, Army, Navy and the Air Force, or by such officers and under such regulations as these Secretaries may designate. In addition, the Secretary of Defense may award the Medal upon the recommendation of the head of any department or agency of the United States for "meritorious acts or services performed under the cognizance or direction of such department head."

3. **DISCUSSION.**--The DCI wishes to recommend the award of the Medal of Freedom for outstanding performance in the field of intelligence. Such performance should not necessarily be limited to actual wartime or period of national emergency, as proposed in the revision of the Executive Order. If a satisfactory truce is achieved in Korea, it is

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conceivable that the national emergency might be terminated. However, this will neither terminate the "Cold War" nor the intelligence operations, which must necessarily continue both in war and peace. Furthermore, it might be desirable to recommend award of this Medal to the heads or members of foreign intelligence organizations for important work in the intelligence field in cooperation with the United States at times when a national emergency is not declared to be in existence. Legally speaking, the national emergency is not co-extensive with the "Cold War".

The technical language of the revision provides that the Secretary of Defense may award the Medal upon the recommendation of the head of any department or agency and doubtless suitable arrangements may be made for the Secretary of State to make the award where appropriate to CIA cover. It is also inherent in the powers of the President to be able to make the award himself.

4. CONCLUSIONS.--It is concluded that the proposed revision of Executive Order #9586, attached herewith as Tab A, is not satisfactory for CIA purposes because the limitation as to the period when the award of Medal of Freedom may be awarded is too restrictive.
5. ACTION RECOMMENDED.--It is recommended that DD/A sign and forward a letter to the Bureau of the Budget, attached herewith as Tab B, setting forth the CIA suggestion for the amendment of the proposed revision of Executive Order #9586. It should be noted that the Bureau of the Budget has requested a reply by 4 February 1952.

Lawrence R. Houston
General Counsel

ANNEXES:-- Tab A. Proposed Revision of EO #9586.
Tab B. Proposed letter to the Bureau of the Budget, attaching proposed redraft of revision.

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CONCURRENCES:

Comptroller

Date

ACTION BY APPROVING AUTHORITY:

Date _____

Approved (disapproved), exceptions, if any.

Signature _____

Director or Deputy Director

OGC:WLP:bc/ds
Orig. - Addressee
Signer - 2
Comptrolle**b** - 1